

LAND COURT SYSTEM

REGULAR SYSTEM

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To:

DECLARATION OF RESTRICTIVE COVENANTS

This Declaration made by _____, Owner(s) in fee simple of that certain parcel of land at _____ also known as Lot _____ of _____, identified by Tax Map Key _____, and more particularly described in Exhibit "A" attached hereto and made a part thereof (the "Property").

WHEREAS, by Deed dated _____, recorded in the Bureau of Conveyances (Regular System) of the State of Hawaii in Liber # _____, Page _____, or in Document/Instrument No. _____, and/or filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii as Document No. _____ and noted on Certificate of Title No. _____, _____ [name of owner(s)] became the sole owner(s) of the Property and is/are hereinafter collectively called the "Declarant."

WHEREAS, the Declarant has applied for a building permit from the Department of Planning and Permitting of the City and County of Honolulu, Building Permit Application No. _____ ("Building Permit Application"), for the construction, and/or maintenance of an accessory dwelling unit on the Property.

WHEREAS, pursuant to the Land Use Ordinance of the City and County of Honolulu, in a _____ District on a zoning lot of _____ square feet, a single-family dwelling may only be erected and maintained on said premises.

NOW, THEREFORE, the undersigned _____ hereby covenants and agrees to subject the premises described in Exhibit "A" to the following restrictive covenants:

1. That the approved structure shall only be placed in single-family dwelling use, and that no portion of the approved structure shall be converted into a separate dwelling or lodging unit, as those terms are defined in the Land Use Ordinance of the City and County of Honolulu, Ordinance No. 99-12, as amended.
2. That this Declaration of Restrictive Covenant shall run with the land and shall bind, inure to the benefit of, and constitute notice to the respective successors, grantees, assignees, mortgagees, lienors, and any other person who claims an interest in such property, of the parties hereto.
3. That Declarant will file a certified recorded copy of this covenant with the Department of Planning and Permitting of the City and County of Honolulu, as a condition precedent to the issuance of the Building Permit.
4. That this Declaration of Restrictive Covenant shall not terminate, extinguish nor cancel without the express approval of the Director of Planning and Permitting of the City and county of Honolulu, State of Hawaii.
5. That failure to maintain the development in accordance with this Restrictive Covenant shall constitute grounds for the City and County of Honolulu to revoke or suspend any building permits issued hereunder.

That the City and County of Honolulu, state of Hawaii, shall have the right to enforce this Restrictive Covenant and the conditions contained herein by appropriate action at law or suit in equity against Declarant and any persons claiming an interest in such property.

IN WITNESS WHEREOF, the undersigned hereunto sets his/her hand on this _____ day of _____, 20_____.

NAME OF OWNER

NAME OF OWNER

[illegible]

On this _____ day of _____, 20____, before me personally appeared _____ known to me to be the _____ Declarant hereunder, described in and who executed the foregoing instrument, and acknowledge that he executed the same as his free act and deed and as the act and deed of Declarant.

Notary Public, State of Hawaii
Print Name:

My commission expires:

NOTARY CERTIFICATE (Hawaii Administrative Rules §5-11-8)

Date of Doc: _____ # Pages: _____

Name of Notary: _____ Notes: _____

Doc. Description: _____

Notary Signature _____ Date _____

First Circuit, State of Hawaii

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NOTARY CERTIFICATION